



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

December 12, 2018

Mr. James Scheub
Gerken Materials
9072 County Road 424
Napoleon, Ohio 43545

Re: **Gerken Materials**
Notice of Violation (NOV)
Air Permit
Henry County
0335980007

Division of Air Pollution Control

Subject: Notice of Violation

Dear Mr. Scheub:

On October 23, 2018, Gerken Materials, Inc., performed emissions testing on the Portable Drum Mix Asphalt Plant (P901). The testing was conducted in conformance with Ohio EPA methods and procedures. The emissions test was performed to demonstrate compliance with the allowable emissions rate for sulfur dioxide outlined in the terms and conditions of PTIO P0112150.

Findings

Based on a review of the emissions test results, Ohio EPA has determined that emissions unit P901 is not in compliance with the permitted allowable SO₂ emissions limitation. In order to bring your facility into compliance, we recommend promptly addressing this violation within the timeframe outlined in this letter.

1. Ohio Revised Code (ORC) 3704.05(C): *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

The terms and conditions of PTIO P0112150 establish an SO₂ emissions limitation of 0.0034 pound per ton of asphalt.

- (a) The emissions test report submitted on November 28, 2018, identified the measured SO₂ emissions rates as follows:

Run #1 – 0.0041 lb/ton asphalt produced
Run #2 – 0.0074 lb/ton asphalt produced
Run #3 – 0.0041 lb/ton asphalt produced
Average – 0.0052 lb/ton asphalt produced

The baghouse pressure drop averaged 5.67 inches of water for the test. Natural gas was the plant fuel.

Mr. James Scheub
December 12, 2018
Page 2

An exceedance of the SO₂ emissions limitation, as identified above, is considered a violation of the terms and conditions of PTIO P0112150 and Ohio Revised Code (ORC) 3704.05(C).

(b) *Requested action:*

Within 30 days of receipt of this letter, Gerken shall submit a compliance plan to Ohio EPA which will address how the facility will address the emissions exceedance identified above.

Conclusion

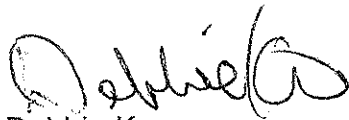
The Ohio EPA requests that Gerken promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 30 days of receipt of this letter, please provide, to Ohio EPA, the documentation requested above. If you have already resolved the violation listed above, thank you.

Failure to comply with Chapter 3704, of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of the violation, Gerken is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact me by phone at (419) 373-3106 or by email at debbie.ko@epa.ohio.gov.

Sincerely,



Debbie Ko
Environmental Specialist
Division of Air Pollution Control
/zss

pc: Robert Teer, DAPC-NWDO

ec: Debbie Ko, DAPC-NWDO
Tom Sattler, DAPC-NWDO
Jennifer Kellermeier, DAPC-NWDO
John Paulian/James Kavalec, DAPC-CO
James Scheub, Gerken Materials

Jay Liebrecht, DAPC-NWDO
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